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ART. I.—*Lectures on Moral Science.* Delivered before the Lowell Institute, Boston. By MARK HOPKINS, D.D., LL.D., President of Williams College; author of “Lectures on the Evidences of Christianity,” etc. Boston: Gould & Lincoln. New York: Sheldon & Co. 1862.

DR. HOPKINS first became known to us, and to that portion of the public with which we were then conversant, through an able article on Moral Science, published in one of our principal religious Quarterlies,* more than a quarter of a century ago. This article was of that marked character which at once drew attention to itself and its author, on the part of those interested in ethical, and ethico-theological discussions. In the circle of our acquaintance, it lifted the author, then young and previously unheard of, into decided prominence among the rising thinkers and guides of opinion on moral and religious questions. We well remember the light and inspiration we derived from it, as we were struggling through a chaos of youthful discussions on questions which then convulsed the

* We do not now certainly recollect which, nor have we at hand the means of ascertaining. Our impression is quite strong, however, that it was the *Biblical Repository*, then published at Andover, Massachusetts, and since merged in the *Bibliotheca Sacra*.

tions, which are interspersed with his reasonings, and of his closing lecture, in which he presents, with great felicity and force, the argument for the immateriality and immortality of the soul. We regret that the recent change in the author's view of the fundamental question in morals engrafted upon modes of thought induced by a life-long espousal of what we deem the true system, mars a work, in so many respects, of eminent merit.

ART. II.—*The Liberties of the Gallican Church.*

THE eloquent apologist for the Papal Church, in his skilful delineation of the Variations of the Protestants, has made much of the contrast between the incongruous practice and conflicting doctrines held by the numerous branches of the Church of the Reformation, and the unity which, according to him, is the characteristic feature of the mother church. Uniform in its devotion to a single form of belief, and admitting only slight deviations in the prescribed ritual of even the most distant provinces, it is presented to our view as the embodiment of a universal religion, whose consistency is unerring demonstration that it possesses the very truth of Christianity. Other churches or sects pervert and distort particular doctrines, at the mere dictate of their caprice or unhealthy imagination; this alone is inflexible in its teachings, continuing, from age to age and in every land, to inculcate the same creed, and to enforce the same obedience. Whatever impression this lofty boast may make upon the ignorant, whose minds are easily dazzled with the contemplation of the pomp of this religion of the senses, it will be viewed with incredulity by every one who has made himself familiar with the history of the Papacy itself, and can consequently trace the gradual development of the system from its humble commencement. He will note the successive accretions which centuries have added to the doctrines of earlier ages. He will easily detect the introduction of new claims, put forth

at first with great care and only as incidental to the exercise of some long established and undisputed privilege, but presently announced to the world more boldly and vindicated by all the terrors of that mysterious power with which the Roman episcopate was invested. He will find the papal system to be neither the original form of Christianity, nor the product of the creative ability of a single person or age, but the aggregate of all the contributions of more than a decade of centuries,—not unlike some vast palace that has come down from remote antiquity, in which the Roman portal stands in strange juxtaposition with the light and airy fabric of some Saracen king, while minaret and Gothic belfry, massive pillar and chaste Corinthian column, are incorporated with strange neglect of symmetry and adaptation. And while the history of the Papacy itself exhibits anything rather than a confirmation of the vaunted unchanging character of the Roman church, the same result cannot fail to follow an investigation into the relations of the supreme pontiff with the separate countries in which his headship is more or less fully acknowledged. It will be found that the exorbitant assumptions of the Popes have met with no little opposition in almost every national church, and that both monarch and inferior clergy have manifested a determination to maintain their independence. The history of many lands is, in an ecclesiastical point of view, only a succession of struggles with Rome, carried on with varied fortunes, because sometimes abetted, at others opposed by interested princes. So far is the record of history from presenting unanimity among all Roman Catholics touching some of the most important points of faith and practice, that we find Bossuet himself, the champion of the immutability of the Roman Catholic faith, taking a decided stand in defiance of the pretensions of Innocent the Eleventh and his predecessors.

Of all the national churches, that of France was most distinguished for the resolute disposition with which the clergy asserted its rights in view of the encroachments of the papal court. Its privileges, founded upon the practice sanctioned by time-honoured usage, and ratified by kings and councils, were known as “the Gallican Liberties,” famous for many ages as the fruitful source of embittered contention. The “Gallican”

party, embracing all that was noble and patriotic in the French clergy, desired to see these maintained unimpaired, for the honour and interest of the crown, the people, and the hierarchy itself. The "ultramontane" or Italian party, composed almost exclusively of those whom interest bound to the court of Rome or Avignon, advocated a complete sacrifice of all that was dear to the traditions of the French nation. It despised the freedom of its elections; it would place no checks upon the exercise of the pontifical prerogative in France. It maintained the despotic doctrine of the superiority of the Pope over the general council, and regarded the bull of major excommunication emanating from the pretended earthly vicar of God as the counterpart of the voice of the Almighty, before which every terrestrial power must abase itself. Between these two parties, or more accurately between the great body of the nation and the papacy, an almost unremitting war was waged. But the contest was by no means an equal one. On the one side it was carried on with craft and cunning, with frequent recourse to the weapons of a carnal warfare; and the treasures of the wealthiest court of Europe were lavishly expended in its prosecution. On the other side, the Gallican church was of necessity compelled to assume a strictly defensive attitude. Its measures must be moderated by the fear of occasioning scandal; its opposition must not be pushed to the point of becoming schismatical; its legislation must be made "with a reservation of the respect due unto the Holy See." And in view of these difficulties incident to their position, there is much in the course of the Gallican clergy which cannot fail to elicit our admiration for the intrepidity evinced.

Evidently the monarchs of France had a strong motive to induce them to lend to the clergy the entire weight of their influence. The very aim of the papal court was to render itself supreme. It could attain this object scarcely more surely by the assertion of the superiority of the successor of St. Peter over the descendant of Charlemagne or Hugh Capet, than by the establishment of an "*imperium in imperio.*" For the destruction of the franchises of the chapters of cathedral churches and of the monasteries, abbeys and priories, and the assumption of the right to nominate bishops and abbots, and

to confer minor benefices, were to obtain undisputed control over the entire ecclesiastical body. It was the clearest dictate of prudence that the attempt should be repelled before it became too successful. And the kings of France and of every other part of Christendom found these prudential motives corroborated by others appealing more immediately to present interest. The papal treasury, under the guise of *annats*, claimed the entire income of the bishopric or other benefice for the first year after the appointment of the dignitary,—a species of first-fruits given by the incumbent to the most honourable ecclesiastic of Christendom. It seized upon the revenues of vacant offices, which the king specially affected. Every bull or brief needed to secure induction into office—and the number of these articles was almost unlimited—was procured at a heavy expense; and further sums were exacted for pronouncing a dispensation in behalf of those appointees, whom youth or some other canonical impediment incapacitated for the discharge of the requisite functions. Money flowed from every part of the land in never-ceasing streams, subjecting the kingdom to a perpetual drain. Much of it was diverted from the royal coffers, and its loss impoverished the crown as much as it did the nation. The interests of both ran parallel. Indeed, all the estates,—nobility, clergy, and commons,—possessed equal inducements with the king, to resist the increasing power of the popes. But we shall have occasion to see that the wiles of the popes were finally effectual in presenting to the selfish monarch, advantages that appeared to outweigh those which he derived from the ancient constitution; and a cardinal chancellor of France, to use the words of the Roman Catholic historian Mezeray, succeeded in “divorcing the interest of the king from the public good.”*

It is not at all surprising that French historical writers have been wont to lavish upon their church, distinguished for so continuous a struggle in behalf of ecclesiastical rights, the warmest eulogies. “The Gallican church,” says the celebrated abbé Claude Fleury, “has guarded itself better than all others from the relaxation of discipline introduced four or five hundred

* *Abrégé chronologique de l'histoire de France*, tom. iv. p. 584.

years since, and has resisted with greater force the undertakings of the court of Rome. Theology has been more purely taught in the University of Paris than in any other place. Even Italians came to study at it, and the principal resource of the church against the great schism of Avignon was found in this school. The kings of France, from the time of Clovis, have been Catholic Christians, and many of them extremely zealous for religion. Their power, the most ancient and stable of Christendom, has enabled them better to protect the church.”* The principles which the Gallican church rejects are briefly these:—*First*, respecting secular affairs, that the temporal power is subordinate to the spiritual, in such a manner that kings are, at least indirectly, subject to the church in what pertains to their sovereignty, and can be deprived of it, when they render themselves unworthy; and, *Second*, that the source of all spiritual authority resides in the Pope, who receives it from God, bishops being merely his vicars; that all councils, even though œcumenical, derive their power solely from him; that he can decide infallibly on matters of faith; that he alone can make and dispense from ecclesiastical laws; that he can dispose absolutely of all church property; and that he can be judged by God alone.†

It is an extraordinary circumstance that the first decided step to repress the growing arrogance of the Papal See was taken by a monarch whose rare virtues were deemed worthy of canonization by the Roman church. Louis the Ninth, or Saint Louis, as subsequent ages have been content with much unanimity to style him, had viewed with no slight jealousy the threatening results of the papal usurpation, if allowed to advance unchecked by the states of Europe. The king was humiliated by the claim of superiority; his sovereignty was impaired by the levy of imposts within his dominions at the will of a foreign priest and prince. He foresaw that this, like many other usages, would take deep root, in spite of the vigorous opposition it already encountered, unless a public and

* Discours sur les libertés de l’Eglise Gallicane, par l’abbé Claude Fleury. Published in 1724.

† Fleury, republished in C. Leber, coll. de pièces relatifs à l’hist. de France, tom. 3, pp. 205–6.

authoritative declaration placed the rights of the French monarch and nation in their true light. For these reasons he saw fit, in 1268, to issue a solemn edict, which, as emanating from the unconstrained will of the king, took the name of the "*Pragmatic Sanction* of St. Louis." The preamble of this famous ordinance, upon whose authenticity doubts have been unjustly cast, declares its object to be the safe and tranquil state of the church of the realm, the advancement of divine worship, the salvation of the souls of Christ's faithful people, and the attainment of the favour and help of Almighty God. To his sole jurisdiction and protection had France ever been subject, and so did the king desire it to remain. The provisions of the Pragmatic were directed chiefly to securing the freedom of election and collation to benefices, and to the prohibition of the laying of imposts by the Pope upon ecclesiastical property in any portion of the royal dominions save by consent of the prince and the clergy.* In this brief document had been laid the foundations of the liberties of the Gallican church, not under the form of novel legislation, but of a summary of previous practice. As such, its place is important in the history of this question.

Political causes, not long after the death of Louis the Ninth, gave new strength to the opposition to papal arrogance, to which the kings of France were pledged. St. Louis's grandson, the resolute Philip the Fair, found fresh incitement in the extravagant conduct of the contemporary Pope, Boniface the Eighth. The bold ideas advanced by Hildebrand in the eleventh, and carried into execution by Innocent the Third in the thirteenth century, were wrought into the very texture of the soul of Boniface, and could not but manifest themselves in

* *Preuves des Libertez de l'Eglise Gallicane*, pt. ii. *Ordonnances des Roys de France de la troisième race*, tom. i., pp. 97-8. Section 5 sufficiently expresses the feelings of the pious king in reference to the insatiable covetousness of the Roman court: "Item, *exactiones et onera gravissima pecuniarum*, per curiam Romanam ecclesie regni nostri impositas vel imposita, quibus regnum nostrum miserabiliter depauperatum extitit, sive etiam imponendas, aut imponenda levare, aut colligi nullatenus volumus, nisi duntaxat pro rationabili, pia et urgentissima causa, inevitabili necessitate, et de spontaneo et expresso consensu nostro et ipsius ecclesie regni nostri." See also Sismondi, *Histoire des Français*, tom. vii., p. 104.

spite of the altered condition of mediæval society. Intolerant, headstrong, and despotic, he undertook to exercise a theocratic rule, and commanded contending monarchs to lay aside their arms, and submit their disputes to his arbitrament. To such summons Philip the Fair was little submissive. The crafty and unscrupulous prince, whose contempt for divine law was evinced in the shameless practice of injustice, whose coffers were filled indifferently by the confiscation of the rich spoils of the commanderies of the Templars, and by recklessly debasing the national currency, did not hesitate to engage in a contest with the most presumptuous of Popes. He appealed to the States-General of France, and all three orders repelled the insinuation that their country had ever stood to the Papacy in the relation of a fief. The disastrous example of the English John Lackland had found no imitator on the southern side of the Channel. The Pope was declared a heretic. Emissaries of Louis succeeded in seizing his person in his native city of Anagni, within the very bounds of the "patrimony of St. Peter." The rough usage to which he was subjected hastened the death of the aged Boniface, and his successors were less determined and more pliable.

After the short and unimportant reign of Benedict the Eleventh, who restored to the chapters and other ecclesiastical institutions the privilege of the election of their bishops, etc., of which they had been deprived by Boniface, the influence of the French members of the conclave elevated to the papal throne Clement the Fifth. Owing his dignity to the French monarch, he became a ready tool in his hands. From no ignominy did he shrink, but that of pronouncing a bull of condemnation against the memory of his obnoxious predecessor. The seat of the Papacy was removed to Avignon, and the sovereignty of the Comtat Venaissin, soon after acquired, did not shield the Pope from the pressure of the influence of the neighbouring king of France, in whose territories his scanty domain was imbedded. Against the interest of the Papacy, perhaps contrary to his own personal preference, Clement was compelled to become the instrument of Philip for reducing the power of the Templar knights, whose only crime was the accumulated wealth of its thousands of houses and

farms. No candid historian of the present day will give either king or pope credit for believing in the truth of the horrible accusations, under cover of which the conspirators strove to hide the enormity of the judicial murder of the grand-master, and many of the most distinguished members of the order. And the critic will not be inclined to judge too harshly the faith of those who saw an intimate connection between the appeal of de Molai from his earthly judges to an incorruptible tribunal, and the speedy death of his persecutors.

For seventy years, or during the so-called "Babylonian Captivity," the successors of Clement continued to reside at Avignon, too completely subject to the power of the French kings to resume their defiant tone, but scarcely less exacting than before of homage from other rulers. Indeed, the burden of the pecuniary extortions of the popes was rather augmented than diminished by the change from Rome to Avignon, and by the existence of rival popes, each requiring an equal sum to sustain his court, and yet being acknowledged as legitimate by only a part of Christendom. The methods of drawing tribute from all quarters of Europe were multiplied to an almost insupportable extent; and so effectual were they, that no pontiff, perhaps, ever left behind him more enormous treasure than one of the popes of Avignon, John the Twenty-second. Much of this revenue was derived from the wealthy provinces of France.

The "Schism" which followed the "Captivity,"—during which the generally acknowledged popes who had returned to Rome, were opposed by rivals at Avignon and elsewhere,—tended doubly to incline the monarchs of Europe to lend their influence to the attempt to set bounds to the ambition of the Papacy. For while the popes were shorn of a great part of their power and prestige, and thus became less formidable antagonists, their financial exactions were so intolerable as to furnish the strongest motives appealing to the self-interest of the monarchs. Hence the frequency with which the old demand for "a reformation in the head and the members" was heard from all parts of the western church. And hence, too, those memorable councils of Pisa, of Constance, and of Basle, which coming in rapid succession at the commencement of the

fifteenth century, must have seemed to awakened and thoughtful minds the inevitable precursors of a revolution so radical as to remove the thick veil of darkness enveloping the church of the Middle Ages. But the meagre and unsatisfactory results that flowed from them made it evident to all, that the promised day of renovation had not yet dawned. The history of these strange assemblages, important as it is in the discussion of the general relations of the Papacy to the individual churches of the west, cannot be examined here; and yet it is closely connected with one of the most remarkable events in the records of the Gallican church.

The council of Basle had not yet terminated its protracted sessions when Charles the Seventh summoned the clergy of France to meet him in solemn assembly. The times were troublous. The kingdom was rent with intestine division; a war was still raging, during whose continuance the victorious arms of the English had driven the king from his capital, and had deprived him of more than a half of his dominions. Nor was the work of restoring the power of the lawful monarch, so nobly begun by the wonderful interposition of the Maid of Orleans, nearly completed. Nothing daunted by the unsettled aspect of his affairs, Charles made his appearance in the national council, convened in the faithful city of Bourges, which, for some time, had served as his temporary capital. He was attended by the dauphin, and the dukes of Burgundy and Brittany, the count of Maine and many other noblemen, as well as by a goodly train of doctors of civil and canon law. Awaiting his arrival were five archbishops, twenty-five bishops, and a host of abbots and deputies of universities and chapters of cathedral churches. In the presence of this august assembly, in which all that was most prominent in church and state was represented, gathered to deliberate on the spiritual concerns of the realm, Charles published, July 7th, 1438, an ordinance which has become celebrated under the name of the "Pragmatic Sanction of Bourges,"—by far the more important of the two documents of similar nature emanating from the French throne.

The Pragmatic Sanction, as this is often called, by way of eminence, is the Magna Charta of the liberties of the Gallican church. Founded upon the results of the discussions of the

council of Basle, it probably embodies all the reformatory measures which the hierarchy of France were desirous of effecting or willing to admit. How far these were from meeting the demands of the moral sense of the people, when once they were led to contrast the present condition of society with the precepts of the gospel, will be readily seen, when we say that the following comprise all the important provisions, with the exception of a few relating to ecclesiastical discipline and worship. The Pragmatic Sanction establishes the obligation of the Pope to convene a general council of the church every ten years. The decisions of the council of Basle are declared of perpetual force. Far from deriving its authority from the Holy See, the œcumenical council depends immediately upon Christ; and the pontiff, as all other Christians, is bound to render to its decisions due obedience. The right to appeal from the Pope to the future council,—a claim obnoxious in the last degree to the advocates of papal supremacy,—is clearly asserted. The Pope is announced to be unable to appoint to any of the high ecclesiastical dignities, save in a very few specified cases; in others the election belongs to the chapters. His pretensions to confer minor benefices are equally rejected. No abuse is more sharply rebuked and forbidden than that of *expectatives*,—a species of appointment in much favour with the papal court, whereby the Pope nominated a successor to ecclesiastical dignities during the lifetime of the incumbent, and in view of his decease. The Pragmatic limits the costly and troublesome appeals to Rome to cases of great importance, when the parties reside at a greater distance than four days' journey from that city. At the same time it prescribes that no person shall be vexed by means of such appeals, after having enjoyed actual possession of his rank for three years. Going beyond the bounds of the kingdom, it enters into the constitution of the "sacred college," and fixes the number of the cardinals at *twenty-four*; while it lays down the minimum age of the candidate for that dignity at thirty years. The exaction of the *annats*, or the first-fruits demanded by the Pope, is stigmatised as an act of simony. Priests living in concubinage are to be punished by the forfeiture of one-fourth of their annual income. Finally, the Pragmatic Sanction esta-

blishes the principle that an interdict cannot be made to include in its operation the innocent with the guilty.*

So thorough vindication of the rights of the Gallican church had never before been made. The Pragmatic Sanction laid the axe at the root of many formidable abuses; it restored the freedom of election to many ecclesiastical bodies; it relieved the kingdom of much of that burden of tribute which was gradually draining the kingdom of its wealth. Foreigners could no longer interfere with the operation of the laws, and weaken the authority of the crown by resisting the imposition of customary taxes. None were more indebted to the prudent provisions of the ordinance, than the clergy themselves, both secular and regular. They were no longer to be robbed of so large a fraction of their income, and their persons were not liable to be hurried out of the kingdom, on the most flimsy pretexts, to be tried at foreign tribunals, and perhaps consigned to dungeons or graves on the banks of the Tiber.

The council had not adjourned when the tidings of the transactions at Bourges reached the city of Basle. They excited the liveliest joy, and the fathers testified the extent of their approbation in a grateful letter addressed to the archbishop of Lyons. But their interest was surpassed in intensity by the commotion which the news created at Rome. Pope Eugenius the Third received the unpleasant announcement with extreme indignation. His pontificate, and the pontificates of his successors, were filled with fruitless attempts to secure the repeal of the ordinance. The threat was made to put France under an interdict; but it was answered by the counter-threat of the king's attorney, who proposed to make a practical application

* The Pragmatic Sanction is long and intricate, consisting chiefly of references to those portions of the canon of the council of Basle which it confirms. Summaries are given by *Sismondi*, (*Hist. des Français*, tom. xiii. p. 327, seq.,) by *W. G. Soldan* (*Geschichte des Protestantismus in Frankreich bis zum Tode Karl's IX.* tom. i. p. 40-1,) and others. The entire document may be seen in the *Ordonnances des Roys de France de la troisième race*, tom. xiii. pp. 267-291, and in the *Recueil général des anciennes lois françaises*, tom. ix. pp. 3-47. Isambert thus defines the term *Pragmatic*: "Ou appelle *pragmatique* toute constitution donnée in connaissance de cause du consentement unanime de tous les grands, et consacrée par la volonté du prince. Le mot *pragma* signifie prononcé, sentencé, édit; il était en usage avant Saint-Louis."

of the instrument, by appealing from the Pope to a future general council. The pontiff, having too vivid a recollection of the perils to which papal pretensions had been subjected of late, feared to venture the hazardous step.

In Louis the Eleventh, Charles's son and immediate successor, the papal court found a more promising subject of influence. Animated with hatred against his father, and ready to disapprove whatever scheme had met with his father's support, Louis, while yet dauphin, had given the Pope's agents flattering assurances of his good intentions. On attaining the throne, he suffered the memory of his father to be treated with ignominy, when the Pope's nuncio pronounced over his corpse an absolution for the heinous offence of originating the Pragmatic Sanction. Louis went further. Unscrupulous in the means he employed to compass his ambitious designs, he lent too ready an ear to the suggestions of Italian emissaries; and finally consented to abolish the Pragmatic, on condition that the house of Anjou should receive the papal support in Naples. Contrary to the advice of his council, a royal declaration to this effect was published in 1461; it was received with exultation at Rome, but throughout France with universal displeasure. The parliaments, the supreme tribunals of law under the old monarchy, testified their disapproval openly. That of Toulouse registered the letters patent with a note indicating that this formality was observed "by the most express command of the king;" and the parliament of Paris, the most ancient, honourable, and powerful of them all, refusing to enter them upon its records, sent a deputation to the king to set forth the pernicious results to be expected from this proceeding. The university of Paris made bold to appeal to a general council. Meanwhile, it so happened that Louis, having discovered that there was no prospect of obtaining the advantages he had anticipated, was by no means reluctant to give up the project. He even re-enacted some of the clauses of the Pragmatic Sanction respecting "expectatives" and "provisions," three years after his formal revocation of the entire document.*

* The letter addressed by Louis the Eleventh to the Pope, annulling the Pragmatic Sanction, is given in the *Ordonnances des Roys de France de la troisième race*, tom. xv., pp. 193-4. The king therein stigmatizes the docu-

A few years later in the reign of the same king, (1467,) a second attempt was made to secure the complete abrogation of the Pragmatic Sanction. The recent edict against "expectatives" was repealed, at the suggestion of the celebrated cardinal Baluc. But the Parisian court of parliament, more firm than the king, refused to record the letters-patent. The attorney-general, Saint-Romain, was prominent in his opposition. Among the most powerful arguments adduced, was doubtless the exhibit of the result of a recent investigation, which demonstrated that during the three years in the pontificate of the late Pope Pius, while the Pragmatic had been virtually set aside, Rome had drawn from the kingdom not less than 240,000 crowns, as payment for bulls for abbeys and bishoprics which had become vacant within that space of time; 100,000 crowns more for priories and other benefices; and the enormous sum of 2,500,000 crowns for expectatives and dispensations. The cardinal was not slow in finding means to remove the bold Saint-Romain, who, it is said, was subsequently rewarded by the king; but his arguments had confirmed both parliament and university in their resistance, and neither body would yield. The fortunate discovery of the treachery of Cardinal Baluc, made soon after, reconciled the king to a second abandonment of the scheme. The unhappy prelate met with deserved retribution, his people not saving him from being shut up in a large iron cage, a prison of his own invention. At length, yielding to the Pope's entreaties, the king so far relented as to release Baluc, after eleven years' confinement, and suffered him to find his way to Rome. A concordat subsequently agreed upon between Louis and the Pope, fared no better than the preceding compacts. Parliament and university were de-

ment as schismatical and having risen in a time of sedition, and declares that at the Pope's bidding he rejects and radically abrogates it, pledging his word to over-ride all opposition. "Quod si forte obnitentur aliqui aut reclamabunt, nos *in verbo regio* pollicemur tuæ Beatitudini atque promittimus cœqui facere tua mandata, omni appellationis aut oppositionis obstaculo prorsus excluso; eosque qui tibi contumaces fuerint, pro tuo jussu comprimemus et refrenabimus!" Louis was never more to be distrusted than when he bound himself by the most stringent promises. The remonstrances of the Parliament the repeal, composed probably in 1464, or soon after, are also given in the *Ordon. des Roys*, t. xv., pp. 195-207.

cided, and Louis, as before, having no further advantage to gain by keeping his word, was as careless as was his wont in its fulfilment.

The Pragmatic Sanction was still observed as the law of the land. The highest courts, ignoring its repeal, insisted on conforming to it in their decisions, while the theologians of the Sorbonne taught it as the foundation of the ecclesiastical constitution of France. Yet as public confidence in its validity had been shaken, it was desirable to set all doubts aside by a formal re-enactment. This was proposed at the States-General held during the minority of Charles the Eighth, but notwithstanding the well-known opinion of all the orders, this reign passed without any decided action. It was reserved for Louis the Twelfth to take the desired step. In 1499 he published the Pragmatic Sanction anew, and ordered the exclusion from their offices of all who had obtained their appointment from Rome. In vain did Pope Julius the Second rave. In vain did he summon all upholders of the ordinance to appear before the fifth Lateran council. Death overtook him, it is even said, while about to fulminate a bull against Louis, and to transfer the title of "very Christian king" from the French sovereign to Henry the Eighth of England. The sturdy prince,—the "Father of his people,"—who had taken for his motto the device, "*Perdam Babylonis nomen*," made little account of his menaces.

On New-Year's day, 1515, the youthful duke of Angouleme, under the designation of Francis the First, ascended the French throne, from which the two daughters of Louis the Twelfth were excluded by the pretended Salic law, or more accurately by a precedent adopted several centuries before, to prevent the union of the English and French crowns upon the same head. He had, however, married the elder of the daughters of the deceased monarch, Madame Claude, whose deformity of body was compensated for by a gentle nature. Full of martial ardour, Francis at once entered upon the career of arms, and the victory of Marignano closed his first campaign. But that success was productive of more lasting results than the mere temporary possession of Milan. It led to a reconciliation with the Pope, and a solemn interview in the city

of Bologna. All that was magnificent and captivating to the senses in the ritual of the Mass, was employed by Leo the Tenth, that great patron of the arts, to dazzle the eyes of the young and imaginative prince. Never did pomp and ceremony more readily effect the object for which they were put forth. The way was paved for a convention, or Concordat, in which the rights of the Gallican church were to be sacrificed, and the spoils divided between pontiff and king.

Three cardinals were engaged in the elaboration of the details of the instrument, two on the pontifical, and one on the royal side. The last was the notorious cardinal Duprat, elevated by Francis to the high office of chancellor. The oath taken by that responsible functionary, when assuming the charge of the seals of state, contained a remarkable clause, binding him to refuse to affix them to any paper of an unjust or pernicious character, until having remonstrated with his master, he had cleared his own conscience of the guilt of the transaction. The delicate trust had been committed to unworthy hands. The churchman has been well described as a man "who observed no laws, skilled though he was in jurisprudence, but his own interest and the passions of his master." He died years after, execrated as the author of the venality introduced into every department of the government. The source from which the Concordat emanated, determined indifferently well the character which it might be expected to assume.

The pontifical court, realizing the strength of the opposition which its pretensions to decide in the affairs of the Gallican church created in the French people, had resolved to renounce a portion of its claims in favour of the king, in order to retain more securely the remainder. Under the pretext that the right of election vested in the chapters had been abused, partly by the choice of illiterate and improper persons, partly by the practice of partiality and simony, the selection for bishops and archbishops was removed from them, and given to the king. He was empowered to choose a doctor or licentiate of theology or law, not less than twenty-seven years of age, within six months after the see became vacant. The candidate was to be submitted to the Pope for approval, and if rejected, a second nomination was to be made by the king. Similar

regulations applied to the abbeys and monastic institutions in general. A few exceptions were made in favour of those patrons and bodies to whom special privileges had been granted. The issue of "expectatives" was prohibited, but no mention was made of the "annats," whence it of course followed that this rich source of gain to the papal treasury was to lie open, in spite of the provisions of the Pragmatic Sanction to the contrary.*

Such were some of the chief features of the Concordat between Leo the Tenth and Francis the First. So violent was the change it introduced into the ecclesiastical relations of the land, that in the eyes of the French clergy it must seem to amount to little less than a complete revolution. After receiving the unqualified approval of the council of Lateran, in a session at which few but Italian prelates were present, the Concordat, engrossed on white damask, accompanied by a Revocation of the Pragmatic Sanction on cloth of gold, was forwarded to Francis, who had returned to his kingdom. Not ignorant of the discontent which the rumour of the transaction had engendered, the king first submitted the Concordat alone to a mixed assembly, composed of prelates and canons, of presidents and counsellors of parliament, doctors of the university, and other prominent personages. The dissatisfaction of those present found expression in the speech of Cardinal Boissy, who demanded that the clergy be consulted respecting a matter so vitally affecting their interests, suggesting the necessity of assembling for that purpose a national council. The king angrily retorted that the clergy must *obey*, or he would send their bishops to Rome to discuss with the Pope.

Failing in this informal attempt to obtain the consent of the most influential persons in his dominions, the king took measures to carry into execution that clause which enjoined the ratification of the Concordat by the parliaments. First, he dispatched letters-patent enjoining upon all judges to conform to its provisions. These were followed soon after by copies of the Revocation of the Pragmatic, and of the Concordat. But

* The text of the Concordat may be seen in the *Recueil gén. des anc. lois, &c.*, tom. xii., pp. 75-97.

the parliament of Paris decided that so fundamental a change in the national customs required more mature consideration, and consequently deferred the registry. At this point properly began one of the most notable contests between the king of France and the judiciary of his dominions. Francis was impatient of delay or hesitancy in the execution of his commands. He possessed the most extravagant notions of the extent of the royal prerogative. In truth, there was nothing in the unwritten constitution or usages of the country to limit its exercise. The convocation of the States-General, the only body representing the people, had of late become an infrequent occurrence, for the kings were as reluctant to submit their actions to be canvassed by the delegates of the three orders, as were the popes to call a truly free general council of the church. They had deliberately assumed the perilous undertaking to reign without consulting the will of the nation; not imagining that they were thus incurring an undivided responsibility for which the world would sooner or later call them to an account. Of this absolutism, whose foundations had been laid before the time of which we speak, Francis was no less an embodiment than was Louis the Fourteenth; and those words,—“*L'état c'est moi,*” were the true exponent of his feelings also, as many incidents of his life make manifest.

With the view of exercising a pressure on its deliberations, Francis now commissioned his uncle, the bastard of Savoy, to be present at the sittings of the parliament. Against this unprecedented breach of privilege, the parliament sent a deputation humbly to remonstrate. It was to no purpose. The irritated prince declared his determination to satisfy himself respecting the true disposition of the judges, and assured the delegates that he had firmly made up his mind to send the disobedient to the inferior parliaments of Bordeaux and Toulouse, and fill their places with “men of worth.” “I am your king,” was his constant remark, and this passed current with him for an all-sufficient argument. The counsellors were scarcely less resolute. Undoubtedly, the success that had attended their previous resistance to the repeal of the Pragmatic Sanction, on at least three occasions in the reign of Louis the Eleventh, led them to hope for equal good fortune in the present instance.

By the presence of the bastard of Savoy they were apparently quite unmoved, although they had learned from Francis's own lips the object of his being there. They refuse to concede the enrolment; they declare that they must continue to observe the Pragmatic Sanction which was endorsed by a body representing the entire nation; they protest against suffering it to be annulled, and insist upon a convocation of the clergy, such as that which Charles the Seventh had assembled, as indispensable for the examination of the question.

Francis, who was sojourning at his castle of Amboise overlooking the Loire, indignantly sent word to the parliament to appoint deputies to convey to him the reasons of its refusal. But when they reached the castle-gate, an entire month was permitted to elapse before Francis would condescend to grant them admission. And when they gained admission, it was only to be treated with studied contempt. "There can be but one king in France," was the arrogant language of the young prince to the counsellors who had grown gray in the service of Charles the Eighth and the good king Louis. "You speak as if you were not my subjects, and as if I dared not try you and sentence you to lose your heads." And when the indignity of his speech awakened the spirited remonstrance of the judges, "I am king, I can dispose of my parliament at my pleasure," rejoined Francis, "begone, and return to Paris at break of day."

A formal command was now addressed to the parliament, and the bearer, la Trémouille, informed that body, as it listened to the king's message, that Francis had repeated to him more than ten times within a quarter of an hour, "that he would not for half his kingdom fail of his word to the Pope, and that if the parliament rebelled, he would find means to make it repent of its obstinacy." It was manifest that any further opposition from a court so constituted as to be completely dependent upon the will of the sovereign, was entirely useless. The parliament, from the circumstance that it was customary for the king to send to it all his general edicts, to be entered upon its records, and thus made known to all inferior courts and to the public, had long since assumed that the privilege belonged to it of refusing to enregister, claiming, that without the observance of

this formality no law could be carried into operation. In unimportant cases the crown had suffered, and occasionally connived at, this claim of a faithful and honoured tribunal. But the king always reserved the right of commanding the court to record his ordinances, either sending the mandate by a trusty servant, or proceeding thither and holding what was styled the "*lit de justice.*" Yet even when compelled to yield, the registry of the Concordat, at the suggestion of the crown officers, was accompanied by a declaration that it was made at the express command of the king many times reiterated; that the parliament disapproved of the revocation of the Pragmatic Sanction, and that in the adjudication of causes, it would continue to follow the law of Charles the Seventh, while appealing to the Pope under better advisement, and to a future council of the church. Thus the Concordat, initiated at Bologna in 1516, and signed at Rome, August 16th, 1516, was registered by the parliament of Paris *de expressissimo mandato regis* on the 22d of March, 1518.

Francis had not yet silenced all opposition. The rector of the university of Paris, not content with entering a formal remonstrance, ventured upon a more hazardous step. Making use of the prerogative long since conceded to the university, of exercising a censure over the press, he posted a notice, addressed to all publishers and printers, forbidding them to print the Concordat, on pain of the loss of their privileges. The dean and canons of the church of Paris also handed in their protest. But the preachers in several of the churches rivalled the rector in the audacity of their measures, for they began to declaim publicly against the ecclesiastical innovation. We are not surprised that the prince who could not even brook wholesome reproof, should have been enraged by proceedings which seemed to reflect upon his personal honour. He directed parliament to bring the offending clergymen to justice; but, strange to say, none could ever be found,—a circumstance which we must certainly attribute rather to the supineness of the judges than to any lack of witnesses. To the university Francis wrote in a haughty tone, threatening any of its doctors that dared to preach against the government, and by an edict from Amboise, on the succeeding month, he forbade the rector and

his associates from assembling for the discussion of political questions.

These were the closing scenes of the drama. The king had conquered, but not without meeting a spirited resistance from parliament, university, and clergy. If they had succumbed, it had only been before superior strength, and each of the bodies reserved to itself the right of treating the Concordat as a nullity, and the Pragmatic Sanction of 1438 as still the ecclesiastical constitution of the land. And this was not altogether an empty claim. Some of the provisions of the Concordat were never enforced, which was a solid advantage gained through the opposition; and the parliaments persisted in rendering judgment in cases coming before them, in accordance with the Pragmatic. As, for instance, when the bishop of Albi, chosen by the canons, was confirmed in his see, notwithstanding the pretensions of a nominee of the crown. Yet as a whole the Concordat was executed, and in 1532 it was extended to the monastic foundations, which had a clear right to elect, in order to gratify Francis, on the occasion of the marriage of his second son, the duke of Orleans, to Catharine de' Medici, niece of the reigning pontiff, Clement the Seventh. The anecdote is related, that in order to facilitate the execution of this new act of injustice, Cardinal Duprat ordered all ecclesiastical bodies to send him the documents attesting their right of election, and that on receiving them he threw them into the fire to destroy all memory of their claims. The story may be apocryphal; but it sufficiently reveals the estimate of the prelate's character made by his contemporaries and his immediate successors.

The Gallican church did not rest quiet under the loss of its highly-prized liberties. Under Francis the Second once and again their restoration was desired; and an edict partially restoring them was obtained, only to be virtually repealed by Charles the Ninth. So in the reign of his successor, Henry the Third, the voice of the three orders at the States-General of Blois (1576,) and of the clergy, three years later, was heard in remonstrance and entreaty. The latter unhesitatingly asserted that the Concordat had been a great detriment to the Pope as well as to the kings of France; for the day that wit-

nessed its introduction, also beheld the beginning of the heresy which had since attained such formidable dimensions. And in 1585, the clergy stated with equal assurance that Francis the First, upon his death-bed, had solemnly declared to his son that no sin weighed more heavily upon his conscience than his having deprived the churches and monasteries of their franchises. There can, we think, be no doubt that the Concordat assisted not a little the early progress of the Reformation in France. For it shook the confidence of many in the Romish church, and revealed the mercenary character of the dealings of the Papacy, as well as the frightful corruption which it fostered. On the other hand, by attracting to Paris so many of the higher ecclesiastics who were in search of preferment, it cleared the provinces of many of those who, from their position, would have been the most effective antagonists of the purer faith.

We pass over an entire century before reaching the famous declaration of the French clergy, made in an assembly at Paris, March 19th, 1682. Bossuet, bishop of Meaux, was its author, and it presented a resumé of the great principles advocated by the Gallican church. The first article asserts that the power given by God to St. Peter and his successors being in spiritual things only, kings are in temporal things subject to God alone, so that they cannot be deposed by any ecclesiastical power, nor their subjects freed from their allegiance. The second exalts the general councils above the Pope. The third maintains the customs and maxims revered by the kingdom and church of France as worthy of being inviolably sustained. The fourth and last supports the principle, that although the Pope has principal authority and his decisions are of universal application, yet his judgment may be corrected, if the consent of the church agree not with it. These were the four articles which Louis the Fourteenth by a special edict promulgated and directed to be made the subject of instruction in the theological schools. So obnoxious were they to the Pope that he seems to have been more indignant with Louis for endorsing them than pleased with him for his Revocation of the Edict of Nantes. This circumstance seems to explain the anomalous

fact that whereas the massacre of St. Bartholomew's eve and the abjuration of Henry the Fourth were made the occasion for universal rejoicing at Rome, and the events were celebrated by commemorative medals, none seem to have been struck by the popes to celebrate the "piety" of the great Louis, unless we attribute to them a single medal of uncertain authorship, which seems quite to have escaped the notice of modern historians.

The Gallican church ceased to exist when the storms of the first French revolution overwhelmed the land. Restored by Napoleon the First, and protected by articles appended to a Concordat more liberal than that of Francis, it had lost its distinctive character. If Louis the Eighteenth attempted to reintroduce the old Concordat, that effort of despotism was defeated, not by the resistance of the clergy, but by that of the legislature. The past century has seen the entire denationalization of the French church. More pliant than in preceding ages, the Romish church in France has yielded to the inevitable tendency of the very system of which it forms a part, to make of the entire church only one consolidated despotic government, deriving its life and strength from Rome. The Gallican party now possesses but a handful of supporters among the higher clergy. Not that all jealousy has disappeared. That there is abundant evidence of dislike between the Italian and French clergymen, is known by all who are well acquainted with them personally. But recent commotions have demonstrated to the satisfaction of the vast majority of the French bishops, and even priests, that the only hope of long maintaining their ascendancy, is found in linking their fortunes to those of the See of Rome, and in asserting its claims to universal obedience.

It is *fear* that has induced this change, unless we greatly mistake. But whatever be the cause, of the fact there can be no doubt. Whoever should venture to affirm the principles often enunciated by the defenders of the Gallican liberties would now be set down as a heretic. In 1482, the faculty of theology of Paris censured a Franciscan monk, Jean Angeli by name, who had said in public discourse: "Facultatem suam

habent dicti presbyteri (curati) ab episcopo duntaxat;" and gave its decision in these words: "Dicit Facultas quod propositio in se et quoad omnes reliquas partes et probationem partis ultimæ, in qua dicitur 'ab episcopo duntaxat,' est *scandalosa, in fide erronea, hierarchici ordinis destructiva*, etc." But what devout French catholic would dare to assert at this moment that the priest derives his authority from God directly, without the intervention of bishop or pontiff?

We have been looking at an interesting development of the spirit of independence in one of the national churches of the Roman communion. We have seen much to admire in its history. Its resistance of foreign intervention, its opposition to the introduction of the Inquisition, its defence of the persons of its clergy, whom the papal court would try in a foreign land—these and other features deserve our praise, even when we behold them associated with an intolerant spirit, and upheld by the most determined enemies of the "truth as it is in Jesus," and the most cruel persecutors of his martyrs. That spirit of independence is now a thing of the past, and its fall is an additional proof of the inflexible logic of the church of Rome, which leads inevitably to the suppression of all individuality of thought, and the merging of all interests in the will of the pretended vicegerent of Christ. Long and hard did the Gallican church labour to vindicate the maxim pithily expressed by the Abbé Fleury,* "The government of the church is, therefore, no despotic empire;" but history has demonstrated the falsity of its boast, so far as the Romish system is concerned. The liberty of private judgment, and the right of self-government, it was reserved for the Reformation to vindicate.

* Discours sur les libertés de l'Eglise gallicane, p. 252.